

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY,)	
)	
Plaintiff,)	C.A. No. 07-367-SLR
)	
v.)	JURY TRIAL DEMANDED
)	
ACUSHNET COMPANY,)	
)	
Defendant.)	

**ACUSHNET'S THIRD NOTICE OF DEPOSITION OF CALLAWAY GOLF
CORP. PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant Acushnet Company ("Acushnet") will take the deposition by oral examination of Callaway Golf Company ("Callaway") on September 22nd, 2008 at 9:00 a.m. at the offices of Shepard Mullin Richter & Hampton, LLP, 12275 El Camino Real, Suite 200, San Diego, CA 92130. The deposition will continue from day to day thereafter until completed. Testimony of the deponent(s) may be recorded by means permitted under Federal Rules of Civil Procedure, including videotaping and stenographic recording. The deposition will be taken before an officer authorized by law to administer oaths pursuant to Federal Rule of Civil Procedure 28.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Callaway is obligated to designate one or more officers, directors, or managing agents, or one or more other persons who consent to testify on their behalf, who shall have knowledge of and who are capable and competent to testify regarding the topic set forth in the attached Schedule A.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Joshua C. Krumholz
Thomas M. Johnston
Benjamin D. Enerson
HOLLAND & KNIGHT LLP
10 St. James Avenue 11th Floor
Boston, MA 02116
Tel: (617) 573-5820

Dated: September 5, 2008
881348 / 31957

By: /s/ David E. Moore
Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

Attorneys for Defendant Acushnet Company

SCHEDULE A

Definitions

Acushnet hereby incorporates by reference the Definitions and Instructions found in its First Set of Interrogatories to Callaway (Nos. 1-17), except that “Accused Callaway Products” also includes the Hyper X and Hyper X Tour golf clubs, and “Acushnet Patents” also includes U.S. Patent No. 7,140,975.

Deposition Topic

42. The manufacture and assembly of the Accused Callaway Products, including but not limited to the sale of Accused Callaway Products that are manufactured and/or assembled in whole or in part in the U.S., and subsequently sold outside the U.S. by Callaway, including sales of those products to Callaway’s foreign subsidiaries and to foreign distributors.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on September 5, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on September 5, 2008, the attached document was Electronically Mailed to the following person(s):

Thomas L. Halkowski
Fish & Richardson P.C.
919 N. Market Street, Suite 1100
P. O. Box 1114
Wilmington, DE 19899-1114
halkowski@fr.com

Frank E. Scherkenbach
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
scherkenbach@fr.com

John E. Gartman
Craig E. Countryman
Jennifer K. Bush
Nicholas V. Martini
Fish & Richardson P.C.
12290 El Camino Real
San Diego, CA 92130
gartman@fr.com
countryman@fr.com
bush@fr.com
martini@fr.com

Michael J. Kane
William R. Woodford
Fish & Richardson P.C.
3300 Dain Rauscher Plaza
60 South Sixth Street
Minneapolis, MN 55402
kane@fr.com
woodford@fr.com

/s/ David E. Moore
Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza – Sixth Floor
1313 North Market Street
Wilmington, DE 19899-0951
(302) 984-6000
rhowitz@potteranderson.com
dmoore@potteranderson.com